

Case Information**Offense or Cause**

KLIGORE, KAY vs.
HORTICA INSURANCE

**DAMAGES
(\$10,001 OR
MORE)**

Case Identifier Muskogee OK — CJ-2015-00139

Type of Case Civil Cases in which the relief sought exceeds \$10,000

Date Filed 04/02/2015

Amount Owed \$0.00 (as of 06/09/2015 02:17pm)

Parties Involved

Plntf Atty. SMITH, BRET A. *of Muskogee OK*

Judge STOUT, WELDON

Plaintiff KLIGORE, KAY *of Muskogee OK*

Defendant HORTICA INSURANCE

Case entries

Date	Description	Amount	Images
04/02/2015	FILE & ENTER PETITION	\$163.00	2 images
	LAW LIBRARY	\$6.00	
	DISPUTE MEDIATION	\$2.00	
	Oklahoma Court Information System Fee - Effective 07/01/04	\$25.00	
	LENGTHY TRIAL FUND	\$10.00	
	OK COURT APPOINTED SPECIAL ADVOCATES	\$5.00	
	10% OF CASA TO COURT CLERK REVOLVING FUND	\$0.50	
	OK COUNCIL ON JUDICIAL COMPLAINTS REVOLVING FUND	\$2.00	
	10% OF COJC TO COURT CLERK REVOLVING FUND	\$0.20	
04/02/2015	SUMMONS ISSUED TO ATTY FOR SERVICE BY PROCESS SERVER	\$5.00	2 images
05/27/2015	SUMMONS ISSUED TO ATTY FOR SERVICE BY PROCESS SERVER	\$5.00	2 images
06/05/2015	ALIAS SUMMONS RETURNED		2 images
Grand Total		\$223.70	

Receipts

Date	Description	Amount
04/02/2015	R2-376115 BRET A. SMITH	\$218.70
05/27/2015	Receipt R2-380459 received of SMITH, BRET	\$5.00
Grand Total		\$223.70

**IN THE DISTRICT COURT OF MUSKOGEE COUNTY
STATE OF OKLAHOMA**

**Kay Kilgore dba
L & K, Inc./Bebb's Flowers,
Plaintiff,**

vs.

**Hortica Insurance & Employee
Benefits,
Defendants.**

)
)
)
)
)
)
)

Case No.: CJ-2015- 139

STATE OF OKLAHOMA
COUNTY OF MUSKOGEE
FILED
2015 APR -2 PM 3:00
JULIA SEXTON
CLERK OF DISTRICT COURT

PETITION

COMES NOW the Plaintiff Kay Kilgore dba L&K, Inc./Bebb's Flowers, by and through her attorneys Bret A. Smith and Rick Paynter, and for her claim against the Defendant states and alleges as follows:

1. That the Plaintiff operates a business in Muskogee, Muskogee County, OK, known as Bebb's Flowers.
2. That the Defendant is an out of state insurance company providing insurance coverage in the State of Oklahoma.
3. The Plaintiff incurred damage to her business on the 3rd day of April, 2014 due to a hail and wind storm in Muskogee, Muskogee County, Oklahoma.
4. The Plaintiff's had a business policy with the Defendant Hortica Insurance & Employee Benefits (hereinafter "Hortica"), policy number BP-05280.
5. The aforementioned policy of insurance issued by the Defendant provided property damage insurance for the Plaintiff's business.
6. The hail and wind related damages include, without limitation: damage to the roof and interior. The replacement cost value of the damaged property exceeds \$75,000.00.

7. The Plaintiff promptly reported the loss and filed a claim with the Defendant. The Plaintiff's claim is unresolved.

WHEREFORE, premises considered the Plaintiff prays for a Judgment over and against the Defendant in an amount in excess of Seventy Five Thousand Dollars and no/cents (\$75,000.00), together with attorney fees, costs and any other relief this Court deems just and proper.



BRETT A. SMITH, OBA#14521
RICK PAYNTER, OBA#11149
Post Office Box 2250
Muskogee, OK 74402
(918) 687-0011

ATTORNEY LIEN CLAIMED

IN THE DISTRICT COURT FOR MUSKOGEE COUNTY
STATE OF OKLAHOMA

ORIGINAL

Kay Kilgore dba L&K Inc./Bebb's Flowers)
Plaintiff,)

vs.)

Case No. CJ-2015- 139

Hortica Insurance & Employee Benefits,)
Defendant.)

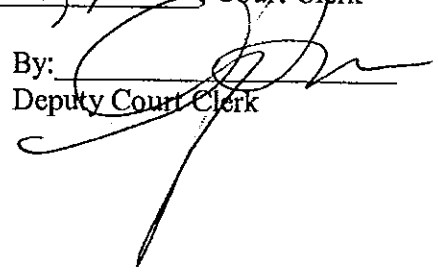
SUMMONS

TO THE ABOVE-NAMED DEFENDANT: Hortica Insurance & Employee Benefits, c/o Insurance Commissioner, 3625 NW 56th St., Ste. 100, Oklahoma City, OK 73112

You have been sued by the above-named Plaintiff and you are directed to file a written answer to the attached Petition in the court at the above address within twenty(20) days after service of this summons upon you, exclusive of the day of service. Within the same time, a copy of your answer must be delivered or mailed to the attorney for the Plaintiff. Unless you answer the Petition within the time stated, judgment will be rendered against you with the costs of the action.

Issued this 2nd day of April, 2015.

 Court Clerk

By: 
Deputy Court Clerk

(SEAL)
BRET A. SMITH, OBA#14521
RICK PAYNTER, OBA#11149
Post Office Box 2250
Muskogee, OK 74402
(918) 687-0011

YOU MAY SEEK THE ADVICE OF AN ATTORNEY ON ANY MATTER CONNECTED WITH
THIS SUIT OR YOUR ANSWER.

RETURN OF SERVICE
PERSONAL SERVICE

I certify that I delivered the foregoing summons on the _____ day of _____, 201____, by personal service on _____.

USUAL PLACE OF RESIDENCE

I certify that I received the foregoing summons on the _____ day of _____, 201____, and that on _____, I served _____ by leaving a copy of the petition at _____, which is the usual place of his/her residence, with _____, a person over fifteen (15) years of age who resides therein.

CORPORATION RETURN

Received this summons this _____ day of _____, 201____, and as commanded therein, I summoned the within named defendant, as follows, to-wit:

_____ a corporation, on the _____ day of _____, 201____, by delivering a true and correct copy of the within summons hereof and a copy of the petition, to _____, being the _____ of said corporation.

NOT FOUND

Received this summons this _____ day of _____, 201____, I certify that the following persons of the defendant(s) within named were not found in said county:

FEES

Fee for service: \$ _____, Mileage: \$ _____, Total \$ _____
Dated this _____ day of _____, 200____.

(Sheriff)(Process Server)

By: _____
(Deputy)

_____ County

CERTIFICATE OF SERVICE BY MAIL

I certify that I mailed copies of the foregoing summons with a copy of the petition attached to the following named defendants at the address shown by certified mail, addressee only, return receipt requested, on the _____ day of _____, 201____, and receipt hereof on the dates shown:

IN THE DISTRICT COURT FOR MUSKOGEE COUNTY
STATE OF OKLAHOMA

Kay Kilgore dba L&K Inc./Bebb's Flowers)
Plaintiff,)

vs.)

Case No. CJ-2015-139

Hortica Insurance & Employee Benefits,)
Defendant.)

ORIGINAL
ALIAS SUMMONS

TO THE ABOVE-NAMED DEFENDANT: Hortica Insurance & Employee Benefits, Post Office
Box 428, Edwardsville, IL 62025

You have been sued by the above-named Plaintiff and you are directed to file a written answer to the attached Petition in the court at the above address within twenty(20) days after service of this summons upon you, exclusive of the day of service. Within the same time, a copy of your answer must be delivered or mailed to the attorney for the Plaintiff. Unless you answer the Petition within the time stated, judgment will be rendered against you with the costs of the action.

Issued this 27 day of May, 2015.

Paula Sexton, Court Clerk

By: C. Roopdale
Deputy Court Clerk

(SEAL)

BRET A. SMITH, OBA#14521

RICK PAYNTER, OBA#11149

Post Office Box 2250

Muskogee, OK 74402

(918) 687-0011

YOU MAY SEEK THE ADVICE OF AN ATTORNEY ON ANY MATTER CONNECTED WITH
THIS SUIT OR YOUR ANSWER.

RETURN OF SERVICE
PERSONAL SERVICE

I certify that I delivered the foregoing summons on the _____ day of _____, 201____, by personal service on _____.

USUAL PLACE OF RESIDENCE

I certify that I received the foregoing summons on the _____ day of _____, 201____, and that on _____, I served _____ by leaving a copy of the petition at _____, which is the usual place of his/her residence, with _____, a person over fifteen (15) years of age who resides therein.

CORPORATION RETURN

Received this summons this _____ day of _____, 201____, and as commanded therein, I summoned the within named defendant, as follows, to-wit:

_____ a corporation, on the _____ day of _____, 201____, by delivering a true and correct copy of the within summons hereof and a copy of the petition, to _____, being the _____ of said corporation.

NOT FOUND

Received this summons this _____ day of _____, 201____, I certify that the following persons of the defendant(s) within named were not found in said county:

Fee for service: \$_____, Mileage: \$_____, Total \$_____

Dated this _____ day of _____, 200____.

(Sheriff)(Process Server)

By: _____
(Deputy)

_____ County

CERTIFICATE OF SERVICE BY MAIL

I certify that I mailed copies of the foregoing summons with a copy of the petition attached to the following named defendants at the address shown by certified mail, addressee only, return receipt requested, on the _____ day of _____, 201____, and receipt hereof on the dates shown:

IN THE DISTRICT COURT FOR MUSKOGEE COUNTY
STATE OF OKLAHOMA

Kay Kilgore dba L&K Inc./Bebb's Flowers)
Plaintiff,)

vs.)

Hortica Insurance & Employee Benefits,)
Defendant.)

Case No. CJ-2015-139

ORIGINAL
ALIAS SUMMONS

2015 JUN -4 AM 9:10
PAULA SEXTON
COURT CLERK
STATE OF OKLAHOMA
COUNTY OF MUSKOGEE
FILED

TO THE ABOVE-NAMED DEFENDANT: Hortica Insurance & Employee Benefits, Post Office
Box 428, Edwardsville, IL 62025

You have been sued by the above-named Plaintiff and you are directed to file a written answer to the attached Petition in the court at the above address within twenty(20) days after service of this summons upon you, exclusive of the day of service. Within the same time, a copy of your answer must be delivered or mailed to the attorney for the Plaintiff. Unless you answer the Petition within the time stated, judgment will be rendered against you with the costs of the action.

Issued this 27 day of May, 2015.

Paula Sexton, Court Clerk

By: C. Roopdale
Deputy Court Clerk

(SEAL)

BRET A. SMITH, OBA#14521

RICK PAYNTER, OBA#11149

Post Office Box 2250

Muskogee, OK 74402

(918) 687-0011

YOU MAY SEEK THE ADVICE OF AN ATTORNEY ON ANY MATTER CONNECTED WITH
THIS SUIT OR YOUR ANSWER.

RETURN OF SERVICE
PERSONAL SERVICE

I certify that I delivered the foregoing summons on the _____ day of _____, 201____, by personal service on _____.

USUAL PLACE OF RESIDENCE

I certify that I received the foregoing summons on the _____ day of _____, 201____, and that on _____, I served _____ by leaving a copy of the petition at _____, which is the usual place of his/her residence, with _____, a person over fifteen (15) years of age who resides therein.

CORPORATION RETURN

Received this summons this _____ day of _____, 201____, and as commanded therein, I summoned the within named defendant, as follows, to-wit:

_____ a corporation, on the _____ day of _____, 201____, by delivering a true and correct copy of the within summons hereof and a copy of the petition, to _____, being the _____ of said corporation.

NOT FOUND

Received this summons this _____ day of _____, 201____, I certify that the following persons of the defendant(s) within named were not found in said county:

FEES
Fee for service: \$ _____, Mileage: \$ _____, Total \$ _____
Dated this _____ day of _____, 200____.

(Sheriff)(Process Server)

By: _____
(Deputy)

_____ County

CERTIFICATE OF SERVICE BY MAIL

I certify that I mailed copies of the foregoing summons with a copy of the petition attached to the following named defendants at the address shown by certified mail, addressee only, return receipt requested, on the _____ day of _____, 201____, and receipt hereof on the dates shown:

May, 201____
June 1, 201____